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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,414

10/23/2001

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02/27/2006

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/002,414	<b>Applicant(s)</b> HAMAGUCHI ET AL.	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1- 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki (US Pat. No. 6,226,447).

Regarding claim 1, Sasaki discloses a host system used in combination with a driving apparatus for recording information on an information recording medium and reading information recorded on the information recording medium (see abstract), the host system comprising:

an instruction generation section for generating an instruction including designation information designating an operation type of an operation to be performed by the driving apparatus (see col. 6 lines 14-67), and advanced notice information indicating whether the operation type of an operation immediately subsequent to the operation designated by the designation information is the same as the operation type of the operation designated by the designation information (see col. 11 lines 37-54);and

an output section for outputting the instruction to the driving apparatus (see col. 6 lines 35-55),

wherein the operation type is either one of a recording operation of recording information on the information recording medium or a reading operation of reading information recorded on the information recording medium (see abstract and col. 7 lines 1-25).

Regarding claim 2, Sasaki discloses the operation type designated by the designation information is the recording operation, the output section outputs information to be recorded by the driving apparatus on the information recording medium together with the designation information (see col. 6 lines 56-67).

Regarding claim 3, Sasaki discloses an input section for receiving, from the driving apparatus, information read by the driving apparatus from the information recording medium (see col. 8 lines 37-50 and col. 9 lines 1-9).

Regarding claim 4, Sasaki discloses a reproduction section for reproducing the information received by the input section from the driving apparatus (see col. 10 lines 21-34).

Regarding claim 5, Sasaki discloses an information input section for receiving information to be recorded on the information recording medium (see col. 10 lines 18-28), wherein the instruction generation section includes:

a memory section for temporally storing the information received by the information input section before the information is output from the output section to the driving apparatus so as to be recorded on the information recording medium and for temporally storing the information received by the input section from the driving apparatus before the information is reproduced by the reproduction section (see col. 8 lines 37-67); and

a processing section for generating the designation information and the advanced notice information based on a state of the memory section (see col. 6 lines 35-47, col. 7 line 63-col.8 line 14 and 59-67).

Regarding claim, 6, Sasaki discloses a driving apparatus used in combination with a host system, the driving apparatus comprising:

a recording and reading section for recording information on an information recording medium and reading information recorded on the information recording medium (see abstract); and

an instruction receiving section for receiving, from the host system, an instruction including designation information designating an operation type of an operation to be performed by the recording and reading section, and advanced notice information indicating whether the operation type of an operation immediately subsequent to the operation designated by the designation information is the same as the operation type of the operation designated by the designation information (see col. 6 lines 14-67 and col. 11 lines 37-54),

wherein:

the operation type is either one of a recording operation of recording information on the information recording medium or a reading operation of reading information recorded on the information recording medium (see abstract and col. 7 lines 1-25), and

the recording and reading section determines whether the operation type of the operation immediately subsequent to the operation designated by the designation information is the recording operation or the reading operation based on the designation information and the

advanced notice information received by the instruction receiving section, and starts positioning for the determined operation type (see col. 6 lines 14-67, lines 56-67, and col. 11 lines 37-54).

Regarding claim 7, Sasaki discloses a holding section for holding recording address information representing an address of the information recording medium to which the recording and reading section is to record information and reading address information representing an address of the information recording medium from which the recording and reading section is to read information (see col.11 lines 37-54),

wherein the recording and reading section starts positioning for the determined operation type based on the recording address information or the reading address information corresponding to the determined operation type (see col. 7 lines 35-44).

Regarding claim 8, Sasaki discloses the positioning for the determined operation type includes at least one of position shifting of the recording and reading section to the address represented by the recording address information or the reading address information corresponding to the determined operation type, and rotation adjustment for adjusting a rotation speed of the information recording medium to a rotation speed corresponding to the address represented by the recording address information or the reading address information corresponding to the determined operation type (see col. 7 lines 1-12, 25-35 and 56-62).

Regarding claim 9, Sasaki discloses the recording and reading section starts the positioning for the determined operation type after the operation designated by the designation information is finished (see col. 6 lines 56-67).

Regarding claim 10, Sasaki discloses the operation type designated by the designation information is the reading operation and the determined operation type is the recording

operation, the recording and reading section starts the positioning for the determined operation type while performing the operation designated by the designation information (see abstract and col. 6 lines 56-67).

Regarding claim 11, Sasaki discloses the recording and reading section performs the rotation adjustment while performing the operation designated by the designation information (see claims 5 and 11).

Regarding claim 12 Sasaki discloses the reading address information or the recording address information held by the holding section is updated based on the designation information (see col. 8 lines 15-25, col. 13 lines 7-18 and claim 14), and

the recording and reading section determines a rotation speed of the information recording medium corresponding to the determined operation type based on the determined operation type and the updated reading address information or recording address information, and adjusts the rotation speed of the information recording medium to the determined rotation speed (see col. 13 lines 46-62 and claims 5 and 11).

Regarding claim 13, Sasaki discloses recording and reading section determines whether the positioning for the determined operation type is to be started while performing the operation designated by the designation information based on the reading address information and the recording address information (see col. 6 lines 14-34).

Regarding claim 14, Sasaki discloses the determined operation type is the reading operation, the recording and reading section performs the operation immediately subsequent to the operation designated by the designation information after performing the positioning to the determined operation type (see col. 6 line 14-67 col. 11 lines 37-54).

Regarding claim 15, Sasaki discloses the holding section holds the information read by the recording and reading section from the information recording medium (see abstract), and when the operation type designated by the designation information and the determined operation type are both the reading operation, and an error occurs while the operation designated by the designation information is performed, the recording and reading section determines whether the operation designated by the designation information is to be performed again based on an amount of information read from the information recording medium and held by the holding section (see col. 11 lines 18-36).

Regarding claim 16, Sasaki discloses the operation type designated by the designation information is the reading operation and the determined operation type is the recording operation, and an error occurs while the operation designated by the designation information is performed, the recording and reading section performs the operation immediately subsequent to the operation designated by the designation information without performing the operation designated by the designation information again (see col. 10 line 64-col. 11 line 36).

Claims 17-32 are rejected for the same reason as discussed in claims 1-16 respectively above.

### ***Conclusion***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MEHRDAD DASTOURI can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru  
February 16, 2006

  
ROBERT CHAB  
FEB 16 2006